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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,325

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Peter Titz

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

05/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,325	Applicant(s) TITZ, PETER	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 15, 16, 24-26, 32, 33 and 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-14, 17-23, 27-31 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/1/05 + 9/23/09</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Upon further review of the application the restriction requirement of December 30, 2009 was improper is hereby withdrawn. Thus, the applicant's response of February 26, 2010 is moot. Additionally, the restriction requirement of January 9, 2009 is flawed. Species 1 only includes figures 3-8 and does not include figure 12. Since the applicant has elected the embodiment of species 1 in the response of March 4, 2009 and prosecution of species 1 has already commenced, species 1 is the only species which currently under examination.

Claims 7-9, 15, 16, 24-26, 32, 33 and 35-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 4, 2009.

Drawings

The drawings are objected to because the section lines should be identified such that a reader can easily determine which figure shows the view taken along the section line. For example, "A-A" in figure 3 should be changed to --4-4-- to --IV-IV-- so as to indicate that figure 4 shows the view taken along the section line. In figure 4, the lead line for reference character "39" fails to indicate an aperture. Figure 6 is objected to because it fails to include the proper cross sectional shading. In figure 8, the lead line for reference character "91" fails to accurately indicate the base of the channel.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because the reference numerals therein should be enclosed within parentheses. On line 8, "This seal" is confusing because it is unclear what seal the applicant is referring to. On line 12 "vehicle: A" is grammatically awkward and confusing. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: "A-A" on line 5 of page 2, should be changed to --4-4-- or --IV-IV-- to agree with the drawing changes;

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"B-B" on line 6 of page 2, should be changed to --5-5-- or --V-V-- to agree with the drawing changes; "C-C" on line 9 of page 2, should be changed to --7-7-- or --VII-VII-- to agree with the drawing changes; "D-D" on line 10 of page 2, should be changed to --8-8-- or --VIII-VIII-- to agree with the drawing changes. Recitations such as "A-A" should be changed to --4-4-- or --IV-IV-- to agree with the drawing changes.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-6, 10-14, 17-23, 27-31 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "or" on line 1 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. It appears that the invention comprises the combination of a sealing strip, a trimming strip and a guiding strip rather than only one of the above. Recitations such as "along" on line 4 of claim 1 render the claims indefinite because it is unclear to what element of the invention the applicant is referring. What element of the invention is the length of extruded material extending along? Recitations such as "part only of the length thereof" on line 5 of claim 1 and "includes including" on line 8 of claim 1 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "at the interior side of the window pane" on lines 13-14 of claim 1 render the claims indefinite because it is unclear what spatial relationship the applicant is attempting to set forth. Note that the window

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pane is not being positively claimed. Recitations such as "a generally oppositely facing surface" on lines 15-16 of claim 1 render the claims indefinite because it is unclear what element of the invention the surface is facing opposite to. Recitations such as "the said" on line 2 of claim 3 are grammatically awkward and confusing. Recitations such as "the molded part" on line 2 of claim 4 render the claims indefinite because they lack antecedent basis. Recitations such as "a the" on line 2 of claim 6 and "the of the" on line 3 of claim 6 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "so as to clamp the window pane" on line 2 of claim 12 render the claims indefinite because it is unclear whether or not the applicant is positively reciting the window pane. Note that claim 1 implies that the window pane is not being positively recited while line 2 of claim 12 implies that the window pane is being positively recited. Recitations such as "claims" on line 1 of claim 17 and "a-region" on line 10 of claim 18 appear to be typographical errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 10-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Backes et al. (US 6082048). Backes et al. discloses a sealing, trimming or guiding strip for a window frame of a vehicle, said strip being disposed to selectively

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contact a window pane 76 having an interior side 76A and an exterior side 76B, said strip comprising:

- a length of extruded material 54 extending along and forming part of the strip,
- a portion of the extruded material along part only of the length thereof having been removed and replaced with molded material 40 which is molded onto and thereby connected to the extruded material,

- the extruded material includes including a channel 58 for receiving a flange of the window frame and a rigid reinforcing carrier 64 embedded within the extruded material in a region corresponding to the channel,

- the channel remaining as part of the strip after removal of said portion of the extruded material,

- the molded material 40 forming a first window pane receiving surface 78 at the interior side of the window pane,

- the extruded material 54 extending from the channel and having a second window pane receiving surface 80 at the exterior side of the window pane and a generally oppositely facing surface (not numbered, but comprising the surface at the end of the lead line of reference character 54 as shown in figure 3) directly visible from the exterior of the vehicle, this extended extruded material also remaining as part of the strip after removal of said portion of the extruded material;

- wherein the molded material is extended to form a closed loop (not numbered, but shown surrounding the opening 8) (claim 2);

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wherein the length of extruded material beyond said portion thereof extends from the closed loop (claim 3);

the molded material includes at least one integral formation 42 for securing the molded part to the window frame (claim 4)

wherein the extruded material 54 includes a plurality of integral formations 66 for securing the extruded part to the window frame (claim 10);

further comprising an elongate rigid member 44 into which a portion of the strip is fitted (claim 11);

wherein the molded material 40 is fitted into the rigid member 44 so as to clamp the window pane 76 fitted in said molded material (claim 12);

wherein the rigid member 44 also accommodates a further length of extruded material having a window pane receiving channel (claim 13);

wherein the extruded material includes a limb (not numbered, but comprising the portion of the channel 58 having elements 60 and 62) forming at least a part of a window pane receiving channel, a portion of the window pane receiving channel being removed by removal of said portion of the extruded material (claim 17).

Claims 1, 4, 10-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonne et al. (US 5743047). Bonne et al. discloses a sealing, trimming or guiding strip A for a window frame C of a vehicle, said strip being disposed to selectively contact a window pane 12 having an interior side and an exterior side, said strip comprising:

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a length of extruded material 1 extending along and forming part of the strip,
a portion of the extruded material 1 along part only of the length thereof having been removed and replaced with molded material 26 (see column 1, lines 55-58) which is molded onto and thereby connected to the extruded material,

the extruded material includes a channel 7 for receiving a flange 10 of the window frame and a rigid reinforcing carrier B embedded within the extruded material in a region corresponding to the channel,

the channel remaining as part of the strip after removal of said portion of the extruded material,

the molded material forming a first window pane receiving surface (not numbered, but shown in figure 1) at the interior side of the window pane,

the extruded material extending from the channel and having a second window pane receiving surface 9 at the exterior side of the window pane and a generally oppositely facing surface (not numbered, but shown in figure 1 where the seal lip 9 is attached to the retaining section 8) directly visible from the exterior of the vehicle, this extended extruded material also remaining as part of the strip after removal of said portion of the extruded material;

an integral formation 29 (claim 4);

the extruded material includes a plurality of integral formations 42, 43 (claim 10);

an elongate rigid member 10 (claim 11);

the molded material 26 is fitted into the rigid member 10 (claim 12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Backes et al. as applied to claims 1-4, 10-13 and 17 above and further in view of Carvalho et al. (US 6817651). Carvalho et al. discloses a seal strip 160 which is fitted into an elongate rigid member 200, wherein the rigid member is substantially H-shaped.

It would have been obvious to one of ordinary skill in the art to provide the rigid member 9 of Backes et al. with an H-shaped configuration, as taught by Carvalho et al., to more securely mount the seal strip to the window frame.

Claims 1, 4, 10-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (US 5209019) in view of Nozaki et al. (US 5269101). Morita discloses a sealing, trimming or guiding strip 1 for a window frame 91 of a vehicle, said strip being disposed to selectively contact a window pane 92 having an interior side and an exterior side, said strip comprising:

a length of extruded material extending along and forming part of the strip 1 as set forth in col. 3, ln. 35-37,

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the extruded material includes a channel 11 for receiving the flange 911 of the window frame and a rigid reinforcing carrier 2 embedded within the extruded material in a region corresponding to the channel,

the extruded material extends from the channel and has a second window pane receiving surface (labeled below) at the exterior side of the window pane and a generally oppositely facing surface (labeled below) directly visible from the exterior of the vehicle;

an integral formation 126 for securing the molded part to the window frame (claim 4);

the integral formation 126 includes a plurality of integral formations (not numbered, but comprising the upper and lower ends of the formation 126) (claim 10);

an elongate rigid member 912 (claim 11);

the formation 126 is fitted into the rigid member (claim 12).

Morita is silent concerning removing a portion of the extruded material.

However, Nozaki et al. discloses a method of forming a seal comprising extruding a length of material (see col. 3, ln. 24-26) to form part of the strip 10;

removing a portion (see col. 3, ln. 40-42 and fig. 5) of the extruded material along part only of the length thereof, and

replacing the said portion with molded material 1C which is molded onto and thereby connected to the extruded material; wherein:

a channel 11 remains as part of the strip after removal of said portion of the extruded material,

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the molded material forms a first window pane receiving surface at the interior side of the window pane.

It would have been obvious to one of ordinary skill in the art to provide Morita with a molded portion and its attendant method steps, as taught by Nozaki et al., to improve the seal quality at the corners of the window frame and to provide a more secure means for mounting the side light of the rear door to the window frame.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Nozaki et al. as applied to claims 1, 4, 10-13 and 17 above, and further in view of Furman (US 4591203). Furman discloses a molded sealing strip 22 including an aperture 38 in the molded sealing strip 22 through which a clamping member 42 passes, the clamping member is attached to a window pane 20 and the window pane is secured to a window frame 12 by the clamping member passing through the aperture in the molded part 22 and through a further aperture 16 in the window frame.

It would have been obvious to one of ordinary skill in the art to provide Morita, as modified above, with an attachment means, as taught by Furman, to more securely attach the window pane to the window frame.

Claims 18, 21, 27, 28, 29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (US 5209019) in view of Nozaki et al. (US 5269101). Morita discloses a method of forming a sealing, trimming or guiding strip 1 for a window frame

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91 comprising a flange 911 and a window pane 92 having an interior side and an exterior side, the method including:

extruding a length of material to form part of the strip 1 as set forth in col. 3, ln. 35-37,

the extruded material includes a channel 11 for receiving the flange 911 of the window frame and a rigid reinforcing carrier 2 embedded within the extruded material in a region corresponding to the channel,

the extruded material extends from the channel and has a second window pane receiving surface (labeled below) at the exterior side of the window pane and a generally oppositely facing surface (labeled below) directly visible from the exterior of the vehicle;

an integral formation 126 for securing the molded part to the window frame (claim 21);

the integral formation 126 includes a plurality of formations (not numbered, but comprising the upper and lower ends of the formation 126) (claim 27);

an elongated rigid member 912 is provided into which a portion of the strip is fitted (claim 28);

Morita is silent concerning removing a portion of the extruded material.

However, Nozaki et al. discloses a method of forming a seal comprising extruding a length of material (see col. 3, ln. 24-26) to form part of the strip 10;

removing a portion (see col. 3, ln. 40-42 and fig. 5) of the extruded material along part only of the length thereof, and

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replacing the said portion with molded material 1C which is molded onto and thereby connected to the extruded material; wherein:

a channel 11 remains as part of the strip after removal of said portion of the extruded material,

the molded material forms a first window pane receiving surface at the interior side of the window pane.

It would have been obvious to one of ordinary skill in the art to provide Morita with a molded portion and its attendant method steps, as taught by Nozaki et al., to improve the seal quality at the corners of the window frame and to provide a more secure means for mounting the side light of the rear door to the window frame.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Nozaki et al. as applied to claims 18, 21, 27, 28, 29 and 34 above, and further in view of Levy et al. (US 5557890). Levy et al. discloses a sealing strip 4 comprising a molded material (see col. 2, ln. 59-61) wherein the molded material comprises a closed loop as shown in figure 1 and a length of material 5 extends from the closed loop.

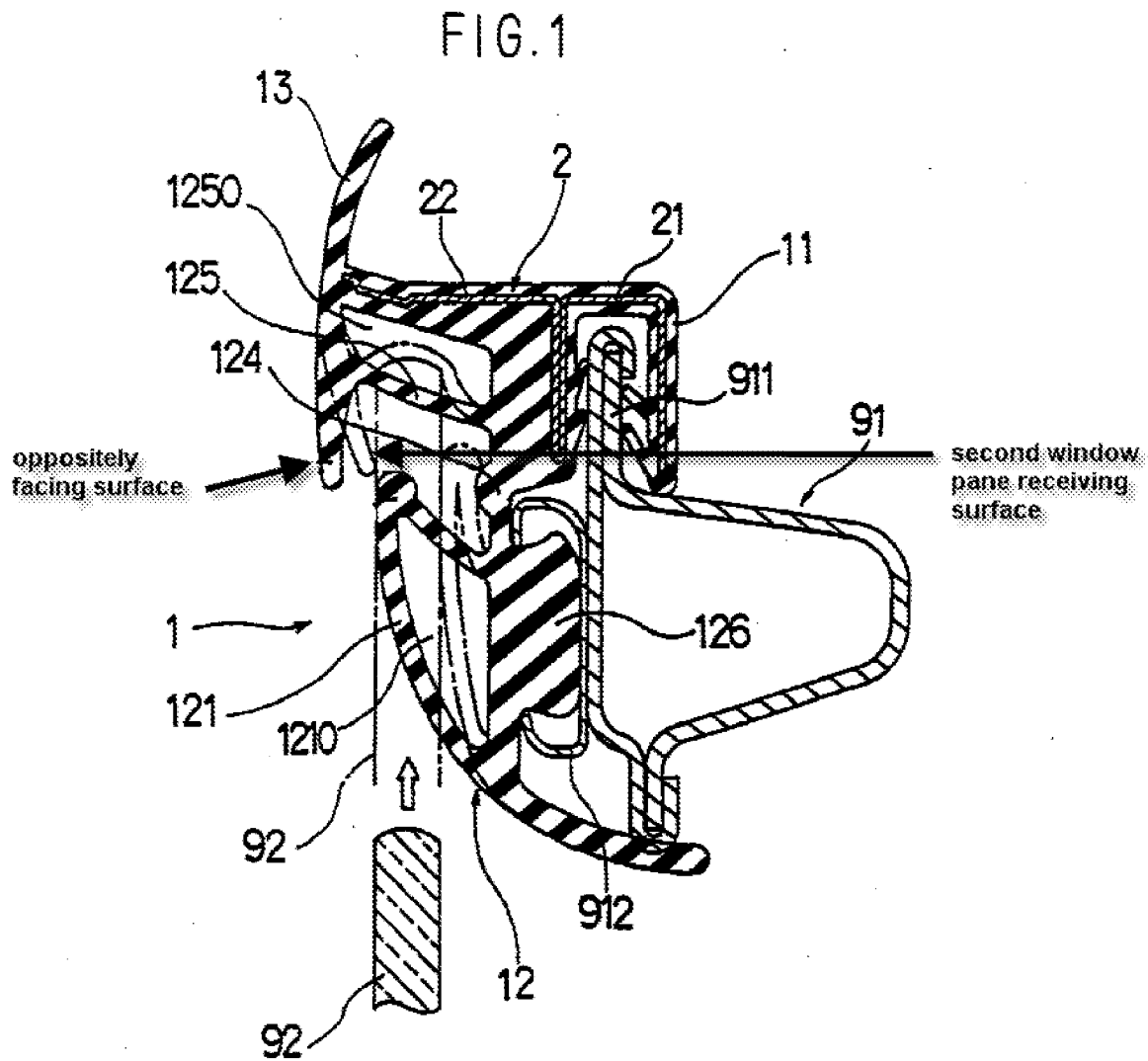
It would have been obvious to one of ordinary skill in the art to provide Morita, as modified above with a closed loop, as taught by Levy et al., to more securely and sealingly mount the side light to the window frame.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Nozaki et al. as applied to claims 18, 21, 27, 28, 29 and 34 above, and further in view of Furman (US 4591203). Furman discloses a molded sealing strip 22 including an aperture 38 in the molded sealing strip 22 through which a clamping member 42 passes, the clamping member is attached to a window pane 20 and the window pane is secured to a window frame 12 by the clamping member passing through the aperture in the molded part 22 and through a further aperture 16 in the window frame.

It would have been obvious to one of ordinary skill in the art to provide Morita, as modified above, with an attachment means, as taught by Furman, to more securely attach the window pane to the window frame.

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Nozaki et al. as applied to claims 18, 21, 27, 28, 29 and 34 above and further in view of Carvalho et al. (US 6817651). Carvalho et al. discloses a seal strip 160 which is fitted into an elongate rigid member 200, wherein the rigid member is substantially H-shaped.

It would have been obvious to one of ordinary skill in the art to provide the dividing bar of Morita, as modified above, with an H-shaped configuration, as taught by Carvalho et al., to more securely mount the seal strip to the window frame.



Response to Arguments

Applicant's arguments filed September 11, 2009 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634